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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,638	09/20/2005	Benno Tieke	NL 030330	8065

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EXAMINER	
BATTAGLIA, MICHAEL V	
ART UNIT	PAPER NUMBER
2627	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/549,638	TIEKE ET AL.	
	Examiner	Art Unit	
	Michael V. Battaglia	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 September 2005 and 31 July 2007*.

2a)☐ This action is **FINAL**. 2b)☐ This action is non-final.

3)☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☒ Claim(s) *1-10* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 September 2005* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings are objected to because the rectangular boxes of Fig. 2 should be provided with descriptive text labels. For instance, providing element 27 of Fig. 2 with an --input unit-- label is suggested.

In addition, Figs. 1-4 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claims 1, 7 and 9 are objected to because of the following informalities: On line 17 of claim 1 and line 18 of claims 7 and 9, replacing "the lead-out zone" with --a lead-out zone-- is suggested to avoid improper antecedent basis issues. Appropriate correction is required.

Allowable Subject Matter

4. Claims 1-10 would be allowable if rewritten to overcome the objections set forth in this Office action. In regard to claim 1, none of the references of record alone or in combination

suggest or fairly teach a method of recording information on a record carrier of a writable type by writing marks in a track on a recording layer via a beam of radiation entering through an entrance face of the record carrier, the record carrier comprising a first recording layer (40) and a second recording layer (41), the first recording layer being present at a position closer to the entrance face than the second recording layer, and the track on the first recording layer extending spirally in a first direction and the track on the second recording layer extending spirally in a second direction opposite to the first direction for constituting a two part recording area logically interrupted by an intermediate zone that physically is constituted by a first intermediate part located at the end of the first recording layer and a second intermediate part located at the start of the second recording layer, the recording area being preceded by a lead-in zone located at the start of the first recording layer and being followed by lead-out information located at the end of the second recording layer, the method comprising **a lead-out recording step comprising recording an outer lead-out part (62) and an inner lead-out part (63), both parts being separated by an unrecorded area (65) and together constituting the lead-out zone on the second recording layer, the inner lead-out part (63) being recorded at a predefined radial position range for covering a range of radial positions used by reading devices for accessing the second recording layer during a disc loading procedure, and the outer lead-out part (62) being recorded at the end of an area of the second recording layer containing user information.**

In regard to claim 7, none of the references of record alone or in combination suggest or fairly teach a record carrier of a writable type for recording information by writing marks in a track on a recording layer via a beam of radiation entering through an entrance face of the record

carrier, the record carrier comprising a first recording layer (40) and a second recording layer (41), the first recording layer being present at a position closer to the entrance face than the second recording layer, and each recording layer comprising a pre-track pattern (14) indicating the position of the track, the track on the first recording layer extending spirally in a first direction and the track on the second recording layer extending spirally in a second direction opposite to the first direction for constituting a two part recording area logically interrupted by an intermediate zone that physically is constituted by a first intermediate part located at the end of the first recording layer and a second intermediate part located at the start of the second recording layer, the recording area being preceded by a lead-in zone located at the start of the first recording layer and being followed by lead-out information located at the end of the second recording layer, **the record carrier comprising lead-out control information (12) encoded in the pre-track pattern for performing a lead-out recording step comprising recording an outer lead-out part (62) and an inner lead-out part (63), both parts being separated by an unrecorded area and together constituting the lead-out zone on the second recording layer, the inner lead-out part (63) being recorded at a predefined radial position range for covering a range of radial positions used by reading devices for accessing the second recording layer during a disc loading procedure, and the outer lead-out part being recorded at the end of an area of the second recording layer containing user information.**

In regard to claim 9, none of the references of record alone or in combination suggest or fairly teach a device for recording information on a record carrier of a writable type by writing marks in a track on a recording layer via a beam of radiation entering through an entrance face of the record carrier, the record carrier comprising a first recording layer (40) and a second

recording layer (41), the first recording layer being present at a position closer to the entrance face than the second recording layer, and the track on the first recording layer extending spirally in a first direction and the track on the second recording layer extending spirally in a second direction opposite to the first direction for constituting a two part recording area logically interrupted by an intermediate zone that physically is constituted by a first intermediate part located at the end of the first recording layer and a second intermediate part located at the start of the second recording layer, the recording area being preceded by a lead-in zone located at the start of the first recording layer and being followed by lead-out information located at the end of the second recording layer, the device comprising a head (22) for providing the beam, and a control unit (20) comprising **lead-out means (36) for recording an outer lead-out part (62) and an inner lead-out part (63), both parts being separated by an unrecorded area (65) and together constituting the lead-out zone on the second recording layer, the inner lead-out part (63) being recorded at a predefined radial position range for covering a range of radial positions used by reading devices for accessing the second recording layer during a disc loading procedure, and the outer lead-out part being recorded at the end of an area of the second recording layer containing user information.**

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ito et al (US 2003/0137909) disclose a record carrier (Fig. 6, element 50 and see Fig. 2 for the general structure of a record carrier with multiple recording layers) comprising a first recording layer ("first recording layer 51" of Fig. 6 and Paragraph 0070) and a second recording layer ("second recording layer 52" of Fig. 6 and Paragraph 0070), the first recording layer being

present at a position closer to the entrance face than the second recording layer (Paragraph 0006: "In this specification, for convenience of description, in Fig. 2, a record layer 34 closer to the incoming laser light 38 is referred to as a first recording layer 34; whereas the other recording layer 33 is referred to as a second recording layer 33."), and the track on the first recording layer extending spirally in a first direction (Fig. 4B and note that Fig. 4 and Paragraphs 0009 and 0010 explain how the opposite track path arrangement utilized by the record carrier 50 of Fig. 6 is implemented) and the track on the second recording layer extending spirally in a second direction (Fig. 4A) opposite to the first direction for constituting a two part recording area (Fig. 6, elements 5, 105-107 and 106') logically interrupted (Figs. 10 and 4D) by an intermediate zone (Fig. 6, elements 102 and 103) that physically is constituted by a first intermediate part (Fig. 6, element 102) located at the end of the first recording layer and a second intermediate part (Fig. 6, element 103) located at the start of the second recording layer, the recording area being preceded by a lead-in zone (Fig. 6, element 101) located at the start of the first recording layer and being followed by lead-out information (information of "Lead-out zone 104" of Fig. 6) located at the end of the second recording layer (Fig. 6). Suzuki (US 2003/0063545) (Fig. 2) and Sasaki (US 2004/0133739) (Fig. 8A) disclose writing, on a record carrier having a single recording layer, a temporary lead-out area followed by an unrecorded area that is written with dummy data before writing an outer lead out area. Yoshimura et al (JP 2002-170338) disclose a record carrier having first and second recording layers according to the opposite track path arrangement wherein a gap is provided between the end of user data and an inner lead-out zone on the second layer (Fig. 8). Kawashima et al (JP 2000-67511) disclose a record carrier having first and second recording layers according to the opposite track path arrangement wherein an

inner lead-out area is written following the end of user data on the second recording layer (Fig. 12). Heemskerk et al (US 2003/0048733) disclose pre-formatting a lead-out area on a second recording layer (Paragraphs 0022 and 0023). Tsukatani et al (US 5,778,257) (Fig. 2) and Cafferalli et al (US 6,091,686) (Fig. 4A) disclose recording a lead-out area at the end of each recording session.

6. This application is in condition for allowance except for the aforementioned formal matters.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael V. Battaglia whose telephone number is (571) 272-7568. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, A. Wellington can be reached on (571) 272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael Battaglia

ANDREA WELLINGTON
SUPERVISORY PATENT EXAMINER